

**RIO DELL CITY COUNCIL
REGULAR MEETING
DECEMBER 5, 2017
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Wilson.

ROLL CALL: Present: Closed Session: Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Strahan

Others Present: City Manager Knopp and City Attorney Gans

Regular Meeting: Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Strahan

Others Present: City Manager Knopp, Community Development Director Caldwell, Finance Director Woodcox, Wastewater Superintendent Trainee Purvis and City Clerk Dunham

Absent: Acting Chief of Police Beauchaine and Water/Roadways Superintendent Jensen (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Public Employee Performance Evaluation – Title: City Manager (Pursuant to §54957 of the Government Code)

The Council recessed into closed session with the City Attorney at 5:00 p.m. to discuss the above matter.

The Council reconvened into open session at 6:30 p.m. Mayor Wilson announced there was no reportable action taken in closed session.

PUBLIC PRESENTATIONS

Councilmember Garnes thanked Nick Angeloff, President of the Rio Dell-Scotia Chamber of Commerce for their efforts with regard to the Christmas decorations and tree lighting event and commended them for doing a great job.

Nick Angeloff provided an update on activities of the Chamber of Commerce and commented that the Annual Tree Lighting Ceremony went well. He thanked the many businesses for their generous contributions toward this year's lights and decorations and said he would be putting together a list of contributors for a more formal recognition at a later date.

CONSENT CALENDAR

Councilmember Strahan requested that Item #3 (Resolution No. 1366-2017) be removed from

the consent calendar for separate discussion.

Motion was made by Johnson/Marks to approve the consent calendar including approval of minutes of the November 21, 2017 regular meeting; and approval of Pay Request No. 3 to DCI Builders, Inc. in the amount of \$141,251.10 for work related to the CDBG Architectural Barrier (Porch) Project. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Resolution No. 1366-2017 Accepting the Certification of Votes for the November 7, 2017 Consolidated Districts Election

Councilmember Strahan asked who wrote the wording for the ballot measure and questioned the vote requirements for a General Tax versus a Special Tax.

City Manager Knopp informed Councilmember Strahan that the City Attorney wrote the ballot language and explained that a General Tax requires a simple majority vote whereas a Special Tax requires a 2/3rds (66%) majority vote.

Motion was made by Johnson/Strahan to approve Resolution No. 1366-2017 *Accepting the Certification of Votes for the November 7, 2017 Consolidated Districts Election*. Motion carried 5-0.

SPECIAL CALL ITEMS

Consider Perkett Alley Abandonment Request

Community Development Director Caldwell provided a staff report and said the City received an application for a request for abandonment of the entire alley located along the westerly boundary of the Todd parcel as identified on the Map as submitted of the First Addition to the New Rio Dell Tract dated April 14, 1930.

He noted that during review of the application City Clerk Dunham remembered that in 2008 Paul Bareilles made application for a minor subdivision on behalf of the Matteucci family and during the review it was discovered that a portion of the existing improvements encroached into the 20 foot alley. At that time the applicant requested that the City abandon the alley however; the City was interested in retaining the alley in order to provide additional access points to the Todd property in anticipation of future commercial development of that parcel. As such, the subdivision was conditioned to require the removal of the non-conforming structures prior to the sale or transfer of the parcel.

Community Development Director Caldwell noted that there are at least two other structures that appear to be encroaching into the 20 foot alley.

DECEMBER 5, 2017 MINUTES
Page 3

He further reported that the Matteucci home was constructed in 1943 when building permits were not required and in 1979 there was an addition to the home but there is no evidence of a building permit for that addition.

He said staff is asking for direction from the Council on one of three options to either:

- 1) Proceed with the request;
- 2) Not support the request; or
- 3) Not support the request and notify those property owners with improvements in the alley that the improvements must be removed.

He said should the Council decide to support the abandonment; staff is recommending that the portion of the alley extension of Third and Fourth Avenues not be abandoned so as to provide access to the Todd parcel. He also noted that with approval of the abandonment, staff will return to Council at a subsequent meeting for formal approval of the abandonment by Resolution.

Staff noted that Mr. Bareilles was present to answer any questions the Council may have.

Mayor Wilson expressed support for the abandonment noting that the alley is not functional.

Mayor Wilson called for public comment on the matter in which no public comment was received.

Motion was made by Johnson/Garnes to direct staff to proceed with the abandonment request (Option 1) retaining the portion of the alley extension of the streets labeled C and D, commonly known as Third and Fourth Avenues to provide access to the Todd parcel.

Councilmember Garnes asked for clarification on the specific areas of abandonment.

Community Development Director Caldwell explained that the City would not be abandoning the easement labeled "E St." on the map and would basically just extend that property line south of Fourth Avenue to the Todd property, including Third Avenue, Dixie and Columbus Streets. He stated for clarification that every access point the City now has will be maintained.

Motion then carried 5-0.

Community Development Director Caldwell left the meeting at this time, 6:45 p.m.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Approve Resolution No. 1367-2017 Approving North Coast Regional Water Quality Control Board Compliance Project and Approval of Related Budget Adjustment

DECEMBER 5, 2017 MINUTES
Page 4

City Manager Knopp provided a staff report and explained that this item relates to a compliance project for some violations that the wastewater treatment plant received starting in early 2014 through March of 2015. He said there were 12 violations related to effluent limit violations, only 9 of which are subject to Mandatory Minimum Penalties (MMP's). He noted the penalties total \$27,000 and are specifically related to exceeding the limitations on Nitrogen, Ammonia and Nitrate and are primarily a consequence of bringing the City's new wastewater treatment plant online.

He commented that the City is allowed to make improvements to the wastewater treatment plant and have those costs applied toward the fine as long as the improvements are related to the violation. As such, staff is recommending some modifications to the WWTP that will help prevent future violations. He said the proposed project includes new computer software, installation of 4 new Dissolved Oxygen (DO) probes, and installation of 4 air sensors with actuating valves to better control the air flowing to each aeration tank. He reported the total costs for Aeromod to supply the equipment and field trip services are \$47,075 which clearly exceeds the \$27,000 penalty. He said once the project is complete, all fines and penalties will be forgiven and the environmental situation at the WWTP will be vastly improved.

City Manager Knopp then introduced Wastewater Superintendent Trainee Ethan Purvis who was present to answer any technical questions and go into more detail about what ammonia and nitrogen means as far as the wastewater treatment process. He commented that everyone is excited to have Ethan here as he has already proven to be an asset to the operations of the wastewater treatment plant.

Ethan began by thanking the City and the Council for being given the opportunity to work for the city and commented that Rio Dell is a phenomenal place to live. He said he and his family moved here from Orland, CA which is insanely hot in the summer. He added that staff has been great and the facility is fantastic and he hopes to be here for a long time.

He explained that as City Manager Knopp indicated, the fines are essentially \$27,000 as broken down by violation in Attachment A of the report. He pointed out that the majority of the fines are due to the startup of the wastewater treatment plant and that bringing these plants online is extremely tricky. He said the State is aware of that and for that reason have shown a little leniency on some of the violations. He noted that the plant is no longer in a constant violation state and as he pointed out before it was basically just a start up hiccup of the plant.

He further explained that there are fairly strict nitrate and ammonia levels for the plant and he doesn't expect those to get any looser over the next permit cycle so this corrective action to add some valves and DO probe to the plant will serve as a long term solution. He noted that the new valves that will be installed now come as standard equipment with the new Aeromod treatment plants.

DECEMBER 5, 2017 MINUTES
Page 5

City Manager Knopp said in essence what staff is asking is for the City Council to approve the resolution which will take the \$27,000 fine and apply it towards needed improvements at the wastewater treatment plant and basically bring it up to current Aeromod plant standards. He said the City will be utilizing the services of Aeromod to make the upgrades.

Councilmember Garnes asked if the \$47,000 in improvements is in addition to the \$27,000.

City Manager Knopp referred to the State's approved timeline and said as long as the City meets that timeline and performs the \$47,075 in improvements the \$27,000 fine will be forgiven so the total financial impact to the City will be the \$47,075.

Mayor Pro Tem Johnson noted that the last violation listed on Attachment A is dated March 31, 2015 and the fines ceased at that time so it appears the plant has stayed in compliance since then as far as ammonia and nitrates.

Wastewater Superintendent Trainee Purvis indicated that for the most part, they have managed to stay in compliance since then.

Mayor Pro Tem Johnson said before Rick Chicora, the former wastewater superintendent left, he asked him what he saw the state cracking down on and his response was that it would be nitrogen levels.

Councilmember Strahan asked for confirmation that the wastewater plant had received no violations since 2015.

Wastewater Superintendent Trainee Purvis responded that to his knowledge there have been no further ammonia or nitrate violations.

City Manager Knopp pointed out that the majority of the violations occurred during major storm events so part of the contributing factor to these violations has been due to the City's I & I problem so there is no guarantee there won't be future violations whether it be due to technical or human error. These upgrades however; will reduce that risk substantially.

Councilmember Marks asked if these upgrades will cover any potential changes by the State as far as the allowable levels of nitrogen and ammonia.

Wastewater Superintendent Trainee Purvis indicated that this is probably the biggest step the City can take for the least cost. He noted that the results seen by adding these valves have taken levels of nitrogen and ammonia from a 10 to a 3. Although the City is meeting the monthly standards this will keep the plant out of the danger zone and show good faith efforts on the City's part which is what the State wants to see.

Mayor Wilson questioned the warranty with Aeromod and said in 2013 when the new plant was brought online the City received an award for having what was believed to be a state of the art

facility then Aeromod took it to the next level to perfect it and now they are charging the City for the upgrade. He said it seems that Aeromod sold the City a plant that didn't do what they said it would do.

Wastewater Superintendent Trainee Purvis explained that this valve wasn't a standard part of the plant when the City purchased it and the way Aeromod looks at it is once the plant is built and operational it is in the hands of the operator and the City to do whatever is necessary to keep in compliance with the State.

Motion was made by Johnson/Garnes to approve *Resolution No. 1367-2017 For a Transfer of Reserve Amounts Amending the Budget for Wastewater and Approving Related Compliance Project Resulting from North Coast Regional Water Quality Control Board Administrative Civil Liability Compliant No. R1-2016-0050*. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager Update of recent activities and events (Attachment 1 to these minutes) and gave a potential date of December 13, 2017 for a Special meeting to confirm the appointment of a Chief of Police; announced the cancellation of the December 19, 2017 regular meeting; reported on a tentative date of March 2018 for representatives from the Scotia CSD to provide to the Council a status update on District; said the Memorial Park is nearing full capacity with room for only 7 more signs; said he met with a representative from Habitat for Humanity regarding the habitat parcel on Monument Road; the second art sculpture was scheduled to be erected toward the end of the month; provided a brief update on the Metropolitan Wells Project and the CDBG Architectural Barrier Removal (Porch) Project; and reported on activities in the Community Development Department including the submittal of applications from Rio Dell Holdings for design review, subdivision and cannabis activity permits; and said the existing and proposed sign regulations have been sent to existing businesses for comment.

Councilmember Garnes expressed disapproval of the paint color on the wall of the new porch and said the beige color against the green building is not a good match.

Mayor Wilson commented on the new city website and noted that emails are still going to his old email address and said since the ca.gov email addresses are printed on the new business cards, the entire council needs to set their devices up to receive mail with the new addresses. In the meantime, he suggested staff send emails to both addresses.

Finance Director Woodcox reported on recent activities and events in the finance department and said she was glad to be back to work after recent shoulder surgery.

She reported that the FY 2016-2017 Audit is done and she emailed the auditing firm to try and arrange a time for them to come and present the final audit report to the Council.

She also thanked the finance staff for holding down the fort in her absence.

Wastewater Superintendent Trainee Purvis had nothing further to report.

COUNCIL REPORTS/COMMUNICATIONS


Mayor Pro Tem Johnson mentioned that every one of the two hundred plus Statewide Lafco general sessions included reciting the Pledge of Allegiance and no one "took a knee" or kneeled.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:22 p.m. to the December 13, 2017 special meeting. Motion carried 5-0.


Frank Wilson, Mayor

Attest:


Karen Dunham, City Clerk